

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**TWENTY-SECOND LEGISLATIVE DAY
MONDAY, FEBRUARY 2, 2009**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Chew. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Shirin Johnson, Page.

Approval of Journal

February 2, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Nineteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

January 30, 2009

Mr. Speaker:

I return herewith [HP 1](#) and [HCR 6](#) which have passed the Senate.

WOOD, Secretary

[HP 1](#) was ordered filed in the office of the Chief Clerk.

[HCR 6](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 2, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 40](#), [H 41](#), and [H 42](#).

CLARK, Chairman

[H 40](#), [H 41](#), and [H 42](#) were referred to the Business Committee.

February 2, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 20](#) and [H 23](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 20](#) and [H 23](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 7

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING SUPPORT FOR EXISTING AND NEW INNOVATIVE PRACTICES AND APPROACHES TO PUBLIC EDUCATION IN A TIME OF ECONOMIC UNCERTAINTY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho and the nation have entered unsettled economic times that may reduce tax revenues for years to come; and

WHEREAS, an educated citizenry is necessary for the continuation of a republican form of limited government; and

WHEREAS, the current economic crisis requires legislators and educators to consider innovative approaches to public education that will maintain or improve current academic successes while operating with fewer funds; and

WHEREAS, clear and concise goals give unified purpose and direction and create a more efficient public education system; and WHEREAS, a cost-effective and quality education system requires active cooperation among parents, teachers and students.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we:

(1) Encourage the Idaho Department of Education and the Idaho State Board of Education to implement strategies that will make public schools more efficient, allowing education to continue improving while expending less money;

(2) Support efforts that ensure as much appropriated money as possible reaches the classroom where it best serves teachers and students;

(3) Seek to boost student academic achievement by empowering parents and students with increased choices and options; and

(4) Endorse an increase in school district flexibility and discretionary funding.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho encourages support for existing innovative school practices and for the consideration of new ideas including, but not limited to:

(1) Grade accelerating exit exams to encourage hardworking students who have demonstrated the academic readiness to move ahead in subject matter or grade level;

(2) Early graduation for students who have demonstrated that they are college ready, and further allow a portion of the

money that would have been expended at a lower grade level to follow students to their next level of education;

(3) The exploration of other innovations that lead to greater student academic achievement and school improvement; and

(4) The strengthening of programs to ensure every student graduates with a marketable skill.

**HOUSE CONCURRENT RESOLUTION NO. 8
BY EDUCATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO DEVELOP AND SUBMIT ON BEHALF OF THE STATE BOARD OF EDUCATION AND THE IDAHO DEPARTMENT OF EDUCATION AN APPLICATION TO THE UNITED STATES DEPARTMENT OF EDUCATION FOR ADMITTANCE INTO THE UNITED STATES DEPARTMENT OF EDUCATION'S GROWTH MODEL PILOT PROGRAM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, each child is unique and deserves to have his or her academic achievement measured against the child's own potential; and

WHEREAS, each classroom offers students unique challenges and opportunities; and

WHEREAS, the state of Idaho is becoming increasingly interested in the use of performance-based pay systems for teachers; and

WHEREAS, the current use of the modified bookmark technique to measure student academic achievement on standardized tests does not adequately portray the performance of either students or teachers; and

WHEREAS, many states have seen the benefit of the growth model for measuring student academic achievement; and

WHEREAS, the expected reauthorization of the federal No Child Left Behind program will permit the expanded use of the growth model for measuring student academic achievement; and

WHEREAS, the state of Idaho has approved and begun funding the development of a longitudinal data system that significantly improves the ability to implement a growth model system for measuring academic performance.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to develop and submit on behalf of the State Board of Education and the Idaho Department of Education an application to the United States Department of Education for admittance into the United States Department of Education's Growth Model Pilot Program as that program relates to the state of Idaho's compliance with the federal No Child Left Behind program. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is requested to appoint the following legislators and ex officio members to the committee.

Legislative members shall include:

(a) The chairman, one member of the majority party and one member of the minority party from the Senate Education Committee; and

(b) The chairman, one member of the majority party and one member of the minority party from the House Education Committee.

Ex officio members shall include:

(a) The Superintendent of Public Instruction or his designee;

(b) The Director of the State Board of Education or his designee;

(c) The President of the Idaho Education Association or his designee;

(d) The Director of the Idaho School Boards Association or his designee;

(e) The President of the Idaho Parent Teacher Association (PTA) or his designee;

(f) Idaho's Teacher of the Year or his designee;

(g) The President of the Idaho Association of School Administrators or his designee; and

(h) The United States Department of Education Secretary's Regional Representative for Region X or that Secretary's Regional Representative's designee (nonvoting committee member).

BE IT FURTHER RESOLVED that the cochairmen of the committee shall be the chairmen of the Senate and the House Education Committees. These cochairmen shall jointly appoint one additional member to the committee from a College of Education at the University of Idaho, Idaho State University, Lewis-Clark State College or Boise State University.

BE IT FURTHER RESOLVED that nonlegislative members of the committee who are appointed by the Legislative Council shall not be reimbursed from legislative funds for per diem, mileage or other expenses.

HCR 7 and HCR 8 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 43
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO THE DEPARTMENT OF COMMERCE AND INNOVATION; AMENDING SECTION 49-416C, IDAHO CODE, TO PROVIDE FOR AN INNOVATION MOTOR VEHICLE LICENSE PLATE AND TO DIRECT THE ALLOCATION OF REVENUE DERIVED FROM SUCH LICENSE PLATES; AMENDING SECTION 67-4725, IDAHO CODE, TO PROVIDE FOR THE IDAHO INNOVATION FUND; AND AMENDING SECTION 67-4726, IDAHO CODE, TO REVISE TERMINOLOGY.

**HOUSE BILL NO. 44
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO THE PRACTICE OF PHYSICAL THERAPY; AMENDING SECTION 54-2205, IDAHO CODE, TO REVISE THE COMPENSATION OF BOARD MEMBERS; AND AMENDING SECTION 54-2212, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSING REQUIREMENTS FOR FOREIGN-EDUCATED PHYSICAL THERAPISTS.

**HOUSE BILL NO. 45
BY HEALTH AND WELFARE COMMITTEE**
AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2303, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO EXEMPTIONS FROM LICENSURE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2304, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE A PROVISION RELATING TO NOTICE REQUIREMENTS FOR BOARD MEETINGS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO POWERS OF THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-2306, IDAHO CODE, RELATING TO THE EXEMPTION OF SOCIAL PSYCHOLOGISTS; AMENDING SECTION 54-2307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO QUALIFICATIONS FOR LICENSURE, TO INCREASE THE APPLICATION FEE CAP AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVOCATION, SUSPENSION, RESTRICTION AND DISCIPLINE OF A LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2312, IDAHO CODE, TO REVISE CERTAIN FEES, TO REVISE PROVISIONS RELATING TO QUALIFICATIONS FOR LICENSURE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2312A, IDAHO CODE, TO REVISE CERTAIN FEES AND TO REVISE PROVISIONS RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR CERTAIN PSYCHOLOGISTS SEEKING LICENSURE; AND AMENDING SECTION 54-2315, IDAHO CODE, TO INCREASE THE LICENSE RENEWAL FEE.

HOUSE BILL NO. 46
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO SOCIAL WORK LICENSING ACT; AMENDING SECTION 54-3202, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 54-3209, IDAHO CODE, TO INCREASE THE APPLICATION FEE CAP AND TO INCREASE THE LICENSE RENEWAL FEE CAP.

HOUSE BILL NO. 47
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DETERMINING FAIR MARKET VALUE OF CERTAIN PROPERTIES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 48
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-718, IDAHO CODE, TO PROVIDE FOR REASONABLE AND NECESSARY COSTS AND ATTORNEY FEES IN CERTAIN PROCEEDINGS.

HOUSE BILL NO. 49
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602KK, IDAHO CODE, TO SPECIFY THE DATE THE SECTION TAKES EFFECT AND TO CORRECT THE CALCULATION OF REIMBURSEMENTS FOR EXEMPT PERSONAL PROPERTY LOCATED IN REVENUE ALLOCATION AREAS; AMENDING SECTION 63-802, IDAHO CODE, TO CORRECT THE CALCULATION OF THE THREE PERCENT PROPERTY TAX BUDGET LIMITATION RELATING TO REIMBURSEMENT MONEYS FOR EXEMPT PERSONAL PROPERTY; AND AMENDING SECTION 63-803, IDAHO CODE, TO CORRECT THE DEFINITION OF TAXABLE VALUE OF PROPERTY ON THE BASE ASSESSMENT ROLL OF A REVENUE ALLOCATION AREA.

HOUSE BILL NO. 50
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 63-602KK, IDAHO CODE, TO PROVIDE THAT THE EXEMPTION FROM THE PERSONAL PROPERTY TAX SHALL APPLY TO MARKET VALUE FOR ASSESSMENT PURPOSES OF SUCH PERSONAL PROPERTY, TO PROVIDE THAT THE PERSONAL PROPERTY EXEMPTION SHALL ALSO BE APPLICABLE TO THE MARKET VALUE FOR ASSESSMENT PURPOSES OF PERSONAL PROPERTY INCLUDED IN THE SYSTEM VALUE OF OPERATING PROPERTY, TO PROVIDE THAT THE EFFECTIVE DATE OF THE EXEMPTION FROM THE PERSONAL PROPERTY TAX SHALL BE JANUARY 1 OF THE YEAR FOLLOWING CERTIFICATION BY THE STATE CONTROLLER THAT RECEIPTS FOR AN IMMEDIATELY PRECEDING FISCAL YEAR HAVE EXCEEDED THE RECEIPTS TO THE GENERAL FUND BY FIVE PERCENT OR MORE THAN THE RECEIPTS TO THE GENERAL FUND FOR THE STATE FISCAL YEAR ENDING JUNE 30, 2008, TO PROVIDE A TIME FOR CERTIFICATION OF RECEIPTS TO THE GENERAL FUND BY THE STATE CONTROLLER AND TO PROVIDE TO THE EXTENT PERSONAL PROPERTY OWNED BY A PUBLIC UTILITY HAS BEEN IDENTIFIED AS OPERATING PROPERTY FOR ASSESSMENT PURPOSES BY THE STATE TAX COMMISSION PURSUANT TO CHAPTER 4, TITLE 63, IDAHO CODE, THE STATE TAX COMMISSION SHALL PROVIDE FOR A SEPARATE DETERMINATION OF MARKET VALUE FOR ASSESSMENT PURPOSES OF SUCH PERSONAL PROPERTY WITHIN THE SYSTEM VALUE AS DETERMINED BY THE STATE TAX COMMISSION AND SHALL CERTIFY TO THE COUNTY AUDITORS OF THE VARIOUS COUNTIES THE PORTION OF THE SYSTEM VALUE THAT IS ATTRIBUTABLE TO PERSONAL PROPERTY.

HOUSE BILL NO. 51
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022J, IDAHO CODE, TO PROVIDE A STATE INCOME TAX DEDUCTION FOR DONATIONS OF TECHNOLOGICAL EQUIPMENT TO PRIVATE ELEMENTARY OR PRIVATE SECONDARY SCHOOLS AND TO DEFINE "PRIVATE ELEMENTARY OR PRIVATE

SECONDARY SCHOOL"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 52
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PUBLIC UTILITIES REGULATION; AMENDING SECTION 61-315, IDAHO CODE, TO PROVIDE THAT WITH THE APPROVAL OF THE PUBLIC UTILITIES COMMISSION, A PUBLIC UTILITY MAY ESTABLISH REASONABLE NONRECURRING CHARGES FOR NEW CUSTOMERS TO PARTIALLY RECOVER THE COSTS OF PUBLIC UTILITY CAPITAL INVESTMENT IN NEW FACILITIES TO SERVE NEW CUSTOMER GROWTH AND TO DEFINE THE TERM "NEW CUSTOMER."

[H 43](#), [H 44](#), [H 45](#), [H 46](#), [H 47](#), [H 48](#), [H 49](#), [H 50](#), [H 51](#), and [H 52](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 33](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[S 1016](#), by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Loertscher asked unanimous consent that [H 14](#) be placed on General Orders for consideration. There being no objection it was so ordered.

[H 13](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 13](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Clark, Nielsen, Schaefer. Total – 3.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 13](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 15](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Higgins to open debate.

The question being, "Shall [H 15](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Schaefer. Total – 1.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 15](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[SCR 101](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [SCR 101](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Chew. Total – 1.

Total – 70.

Whereupon the Speaker declared [SCR 101](#) adopted and ordered the resolution returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 3, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:20 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk